

**REMARKS**

Claims 1, 6, 7, 9, 10, 12 and 14 have been amended to improve form, claim 5 has been canceled without prejudice or disclaimer and new claim 20 has been added. Claims 1-4 and 6-20 are now pending in this application.

Initially, the applicants note that an Information Disclosure Statement (IDS) and a PTO-1449 were filed on May 2, 2001 with the application. The Patent Application Retrieval (PAIR) system does not show these documents have been received by the Patent Office. Attached herewith as Attachment A is a stamped postcard indicating PTO receipt of an IDS with one reference and a PTO-1449 filed with the application on May 2, 2001, along with a copy of the IDS and PTO-1449 filed on May 2, 2001. The applicants respectfully request that the Examiner consider the documents listed on the attached PTO-1449 and return a copy with the next communication with the Examiner's initials indicating that these documents have been officially considered.

Returning now to the Office Action, claims 1-19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lam (U.S. Patent No. 6,345,371). The rejection is respectfully traversed.

Claim 1 recites a network device that includes a plurality of input ports, a plurality of output ports, data frame processing logic and a plurality of output queues. Claim 1 recites that each of the plurality of output queues includes a configurable number of portions corresponding to priorities associated with the received data frames. Claim 1, as amended, also recites a register configured to store information indicating a number of entries that may be stored in each of the number of portions of each of the plurality of output queues. This feature was previously recited in claim 5.

As to the feature recited in original claim 5, the Office Action states that Lam discloses this feature and points to register 518 and col. 13, lines 49-56 for support (Office Action – page 3). The applicants respectfully disagree.

Lam discloses a method and apparatus for testing the functionality of a queue structure (Lam – Abstract). Lam may disclose that each port includes an output queue having a priority of 1 and an output queue having a priority of 0, corresponding to high and low priority frames (Lam – col. 8, lines 4-9 and Figs. 3A and 3B). Lam, however, does not disclose a register configured to store information indicating a number of entries that may be stored in each of the number of portions of each of the plurality of output queues. Element 518, alleged to be equivalent to the claimed register, is a multiplexer that forwards the data from the port vector FIFO 56 to either the low priority portion 510a or the high priority portion 510b of the write side queue (Lam – col. 11, lines 40-49). Multiplexer 518 is not equivalent to a register that is configured to store information indicating a number of entries that may be stored in each of the number of portions of each of the plurality of output queue, as recited in claim 1.

Lam at col. 13, lines 49-56 discloses that data may be forwarded to comparison logic 530 via diagnostic register 528 or dequeuing logic 76 (See Lam at Fig. 5). It is not clear whether the Examiner intended to indicate that register 528 is allegedly equivalent to the claimed register since Lam at col. 13, lines 49-56 references diagnostic register 528 and not multiplexer 518. In any event, diagnostic register 528 is used to allow more precise testing of queue structure 500 (Lam – col. 12, lines 58-61). Diagnostic register 528, however, does not store information indicating a number of entries that may be stored in each of the

number of portions of each of the plurality of output queues, as required by amended claim 1.

For at least these reasons, Lam does not disclose each of the features of claim 1. Accordingly, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-4 and 6-8 are dependent on claim 1 and are believed to be allowable for at least the reasons claim 1 is allowable. In addition, these claims recite additional features not disclosed by Lam.

For example, claim 6 recites that the number of entries is programmable. The Office Action states that Lam discloses this feature and points to col. 13, lines 5-20 for support (Office Action – page 3). The applicants respectfully disagree.

Lam at col. 13, lines 5-20 discloses that comparison logic 530 compares data retrieved from output pointer bus 524 and data input to the queue write side 510. If the entries received by comparison logic 530 are identical, then queue structure 500 is determined to be operationally stable. If the entries are different, further testing may be performed to isolate the cause of the discrepancy. This portion of Lam does not disclose that a number of entries that may be stored in each of the number of portions of each of the plurality of output queues is programmable, as recited in claim 6.

For at least this additional reason, withdrawal of the rejection and allowance of claim 6 are respectfully requested.

Claim 7 recites that the register includes a plurality of entries corresponding to priority levels and when the contents of an entry in the register are zero, the network device does not support a priority level associated with the entry. The Office Action states that

Lam discloses this feature and points to col. 13, lines 5-20 for support (Office Action – page 3). The applicants respectfully disagree

As discussed above, Lam does not disclose the claimed register. Therefore, Lam cannot disclose that when the contents of an entry in the register are zero, the network device does not support a priority level associated with the entry. Lam at col. 13, lines 5-20, as discussed above, discloses that comparison logic 530 compares data retrieved from output pointer bus 524 and data input to the queue write side 510. This portion of Lam does not disclose either the claimed register or that when contents of an entry in the register are zero, the network device does not support a priority level associated with the entry, as recited in claim 7.

For at least this additional reason, withdrawal of the rejection and allowance of claim 7 are respectfully requested.

Claim 9, as amended, recites features similar to those discussed above with respect to claims 1 and 6. For reasons similar to those discussed above with respect to claims 1 and 6, withdrawal of the rejection and allowance of claim 9 are respectfully requested.

Claims 10-13 are dependent on claim 9 and are believed to be allowable for at least the reasons claim 9 is allowable. In addition, these claims recite additional features not disclosed by Lam.

For example, claim 12 recites features similar to claim 7. For reasons similar to those discussed above with respect to claim 7, withdrawal of the rejection and allowance of claim 12 are respectfully requested.

Claim 14 recites features similar to claim 1. For example, claim 14 recites a register configured to store information indicating a number of entries that may be stored in each of

the number of portions of each of the plurality of output queues. For reasons similar to those discussed above with respect to claim 1, Lam does not disclose the register recited in claim 14.

Claim 14, as amended, also recites that the number of portions corresponding to the number of priorities is greater than two. Lam, as discussed above, discloses that each port includes an output queue having a high priority and an output queue having a low priority (Lam – col. 8, lines 4-9). Lam, however, does not disclose that the output queues include a number of portions corresponding to priorities associated with the received data frames, where the number of portions is greater than two, as further required by amended claim 14.

For at least these reasons, Lam does not disclose each of the features of claim 14. Accordingly, withdrawal of the rejection and allowance of claim 14 are respectfully requested.

Claims 15-19 are dependent on claim 14 and are believed to be allowable for at least the reasons claim 14 is allowable. In addition, these claims recite additional features not disclosed by Lam.

For example, claims 17 and 19 recite features similar to claims 6 and 7. For reasons similar to those discussed above with respect to claims 6 and 7, withdrawal of the rejection and allowance of claims 17 and 19 are respectfully requested.

Claim 18 recites that the number of portions is programmable. The Office Action states that Lam discloses this feature and points to col. 13, lines 5-20 for support (Office Action – page 5). The applicants respectfully disagree.

Lam at col. 13, lines 5-20, as discussed above, discloses that comparison logic 530 compares data retrieved from output pointer bus 524 and data input to the queue write side

510. This portion of Lam does not disclose that the output queues include a number of portions corresponding to priorities associated with the received data frames, where the number of portions is programmable, as recited in claim 18.

For at least this additional reason, withdrawal of the rejection and allowance of claim 18 are respectfully requested.

#### NEW CLAIM

Claim 20 is dependent on claim 14 and is believed to be allowable for at least the reasons claim 14 is allowable. In addition, claim 20 recites that the number of portions is three. The prior art of record does not disclose this feature. Accordingly, allowance of claim 20 is respectfully requested.

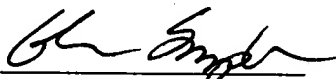
#### CONCLUSION

In view of the foregoing amendments and remarks, the applicants respectfully request withdrawal of the outstanding rejections and the timely allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, please feel free to call the undersigned attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By:   
Glenn Snyder  
Reg. No. 41,428

Attachment: Copy of PTO stamped postcard  
Copy of IDS and PTO-1449

Date: January 27, 2005

11240 Waples Mill Road  
Suite 300  
Fairfax, VA 22030  
Telephone: (571) 432-0800  
Facsimile: (571) 432-0808